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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,974

12/10/2003

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EXAMINER

WASHINGTON, JAMARES

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

03/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/730,974	Applicant(s) TOYOFUKU, TAKASHI	
	Examiner JAMARES WASHINGTON	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-14.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☒ Other: See Continuation Sheet.

/King Y. Poon/
 Supervisory Patent Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because: examiner believes the art of record relied upon in the Final Office Action in combination, teaches each element of the claimed subject matter.

Regarding the argument presented by applicant that the Examiner appears to be mixing and matching embodiments of the different disclosures of Spiegel and Hasegawa, which cannot support the rejection. For example, the Examiner's reliance of FIG. 1 of Hasegawa pertains to an embodiment where the data is never synthesized but rather is output via separate LW and CT exposure modules (see column 9, lines 1-57). The independent exposure negates the synthesis thereby teaching away from claim 1.

Response: Examiner uses Hasegawa to merely teach that character data and image data are processed (correcting gradation) separately. Hasegawa is not used to teach the merging of the character and image data. The output of the image data and character data (e.g., whether the character data and image data is ever merged or is kept separate) is irrelevant to the teaching of "separately processing" the data independently. Spiegel discloses the data being separated, processed, and later merged. These techniques are both well-known in the art and the teaching of Hasegawa separately correcting gradations can be easily substituted into the invention as disclosed by Spiegel to obtain predictable results. Therefore the independent exposure taught by Hasegawa is not considered when merely substituting the LUTs for the processing elements disclosed by Spiegel, as Spiegel later merges the separate data.

Regarding the argument presented by applicant that In Table 1, Hasegawa not only discloses a color value and a thickness value, but also discloses that the LUT table includes image data values. As such, Hasegawa indicates dependence between the LW and CT connection via table interdependence. Therefore, the gradation correction of the image data and the character table B of the character data are not independent as asserted by the Examiner. Since the character table B is not entirely independent from the image data, the gradation process of the character data using the character table also would not be independent from the gradation processing of the image data.

Examiner disagrees. The "image data" referred to by applicant is not the CT (photographic image) data. Instead, Hasegawa is referencing the "image" of the "character" as shown in Fig. 2 by reference box "character image". As explained in column 10 lines 15-23, the applicant is referencing the "output" or image forming portion of the invention. Examiner only relies on Hasegawa to teach the separate gradation correction processing as pointed out in Fig. 2 by the "character image" reference box (LW data) and the "image data 2" box (CT data) which is also mentioned in column 10 lines 3-11 wherein the image data and character data are "discriminated and the information is transmitted to respective LUTs".

Continuation of 13. Other: Newly amended claim 11 overcomes the previous claim objection presented in the Final Rejection dated December 11, 2007. The amendment merely clears up claim language and examiner maintains the same grounds of rejection presented in the Final Action as the amendment does not change the scope of the claim. Therefore the CT data and LW data do not depend on one another